

Notice of Allowability

Application No.

10/624,494

Examiner

Joseph W. Drodge

Applicant(s)

MCKENZIE, DARRELL T.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed June 9, 2005.
2. ☒ The allowed claim(s) is/are 1,5-13,15-28,32 and 33, now renumbered claims 1-26.
3. ☒ The drawings filed on 23 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 0705.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Matthew Stavish on July 22, 2005.

Claim 1 has been amended as follows: --

1. (currently amended) A filter assembly comprising:
a non-metal housing having an open end,
a flange having a first end and a second end, said flange first end being embedded within a wall of said housing adjacent to said housing second open end, said flange second end extending from said housing open end, [and]
a cover plate connected to said second end of said flange,
a compressible seal disposed adjacent said housing open end and said flange, said compressible seal being integrally formed with and comprised of the same material as said housing, and
a structural plate disposed adjacent said flange, and said structural plate being disposed between said compressible seal and said cover plate. --

Claims 2,3,4,14,30 and 31 have been canceled.

In claim 5, line 1 "4" has been replaced with -- 1 --.

Claim 13 has been amended as follows: --

13. (currently amended) A filter assembly comprising:

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a non-metal cylindrical housing having a closed end and an open end;

a flange having a first and second end, said flange first end being permanently and non-detachably embedded within a wall of said housing adjacent said housing open end;

a compressible seal disposed adjacent said flange; [and]

a cover plate connected to said flange; and

a structural plate disposed within said compressible seal and between said cover plate and said open end of said housing, wherein said compressible seal engages said open end of said housing to provide a sealed connection between said open end of said housing and said cover plate. --

In line 1 of each of claims 15, 16, 22 and 23 "14" has been replaced with -- 13 -- .

Claim 28 has been amended as follows: --

28. (currently amended) A filter assembly comprising:

a non-metal housing having an open end,

a flange having a first end and a second end, said flange first end connecting with a wall of said housing adjacent to said housing open end, said flange second end extending from said housing open end, [and]

a cover plate connected to said second end of said flange,

a structural plate disposed between said cover plate and said housing, and

a compressible seal disposed adjacent said housing open end and said flange, wherein said structural plate is disposed adjacent said flange, and said structural plate is disposed between said compressible seal and said cover plate.

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In claim 32, in line 1 "30" has been replaced with -- 28 -- and in line 2 "secure" has been replaced with -- said -- .

The following is an examiner's statement of reasons for allowance: Each of independent claims 1, 13 and 28 now distinguish over the closest prior art constituting newly cited Rosendahl et al Publication US2004/00007520, in combination with Holt patent 5,690,814 of record. Rosendahl et al and Holt together teach or make obvious the combination of a non-metal housing with open end, a flange connected to a cover plate and embedded within or extending from an open end of plastic or non-metal housing, together with a structural plate disposed adjacent the flange.

However, the prior art does not suggest the claim 1,13 and 28 feature of a structural plate disposed adjacent such flange (or within a compressible seal that is disposed adjacent such flange, a compressible seal adjacent housing open end and flange and a structural plate which is disposed between the compressible seal and the cover plate.

Claim 26 continues to distinguish over the same prior art in view of recitation of a compressible seal disposed adjacent to housing, flange and a structural plate, with a metal cover plate disposed directly adjacent to structural plate, flange and a rubber gasket.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Drodge at telephone number 571-272-1140. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached at 571-272-1151. The fax phone number for the examining group where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR, and through Private PAIR only for unpublished applications. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

July 25, 2005


JOSEPH DRODGE
PRIMARY EXAMINER